IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE NINTH DAY OF JUNE
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE S.ANANDA REDDY

WRIT PETITION NO : 24383 of 2004

Between:

B. Devaiah, S/o Kotaiah, Hindu,
C/o. P. Srinivas, Kasturibaipet, Vijayawada.

..... PETITIONER

AND

1 Labour Officer 1, Authority under Minimum Wages Act,
Vijayawada.
2 M/s Savani Transport Ltd, Singamrajuvari Street,
Kothapet, Vijayawada Branch.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, or order or direction more particularly in the nature of Writ of mandamus declaring the action of R1 in dismissing the application No. 60/2004 filed by the petitioner as unconstitutional and consequently set aside the orders of R1 dt. 20-9-2004 while directing the R1 to complete the inquiry expeditiously and pass such other orders

Counsel for the Petitioner: MR.K.S.MURTHY

Counsel for the Respondent No.1: GP FOR LABOUR

Counsel for the Respondent No.2: Mr.A.K.JAYA PRAKASH RAO

The Court at the admission stage made the following ORDER:

This writ petition is filed by the petitioner aggrieved by the action of the first respondent in dismissing the petition filed under the provisions of the Minimum Wages Act, 1948 (for short 'the Act') in M.W.C.No.60 of 2004 relying upon a judgment of the learned single Judge of this Court in W.P.No.5404 of 2000.

2. At the time of hearing, it is represented that the judgment of the learned single Judge was overruled in **Mandegam Radhakrishna Reddy v. Sri Bharathi Velu Bus Service, represented by its Manager and another (W.A.No.168 of 76).** In view of the above said judgment, it is stated that the impugned order passed by the first respondent is liable to be set aside.

3. Heard both sides.

4. In view of the above legal position, the impugned order passed by the first respondent is set aside and the matter is restored to his file, who is the appropriate authority under the Act for adjudication of the matter on merits.

5. The writ petition is accordingly allowed.

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S.Ananda Reddy, J

Date: 09.06.2005

va

..... REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1 The Labour Officer 1, Authority under Minimum Wages Act,
Vijayawada.
2 2 CD copies

3 1 CC to MR.JAYAPRAKASH RAO